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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,572	03/11/2004	John Peter Walsh	16240.M293	4803
7590	07/20/2009	EXAMINER		
Joseph W Berenato III Liniak, Berenato & White, LLC Suite 240 6550 Rock Spring Drive Bethesda, MD 20817			LAUX, JESSICA L	
		ART UNIT	PAPER NUMBER	
		3635		
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		07/20/2009	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/797,572	WALSH, JOHN PETER	
	<b>Examiner</b>	<b>Art Unit</b>	
	JESSICA LAUX	3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 22 April 2009.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-14 and 27-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-14,27-33 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ .  | 6) <input type="checkbox"/> Other: _____ .                        |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed 4/22/2009 have been fully considered but they are not persuasive. Examiners remarks have been incorporated into the body of the rejection for further clarification.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-14, 27-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moyes (6312540) in view of Phillips (2675338).**

Claims 1, 12-14, 27, 28, 31. Moyes disclose a method of forming a molded door skin comprising:

conditioning a board with water or steam (49; Col. 6, lines 43-61);  
disposing the conditioned board in a mold press having a contoured mold cavity (21; Col. 7, line 64); and

deforming the board in the mold press using sufficient heat and pressure to form a molded door skin having contoured portions corresponding to said mold cavity (Col. 8m lines 26-36).

Moyes does not expressly disclose a plywood board having at least one ply of solid wood.

Phillips discloses a molded plywood door skin, where the plywood is free of a nonsolid mat (see figures and disclosure), where the board is disposed in a mold press under sufficient heat and pressure to deform the board.

Phillips discloses that it is common and well known, even desired, to deform plywood boards into contoured door skins using a mold press. Phillips does not expressly disclose the material of the core of the board, however, it would have been obvious to modify the plywood material of Phillips to be a luan, natural wood and the core material to be MDF, shipboard, osb, softboard, hardboard or particleboard as these are all common materials used in plywood and they are readily available and easily worked (reference applicant's specification page 2, line 18 and page 3, lines 1-10).

Moyes discloses a method of deforming wood composite blanks. Moyes does not restrict the wood material to just composite wood with a resin but throughout the disclosure it is stated "flat blank... preferably a wood composite" (as seen at least on Col. 5, lines 58-62). This certainly does not teach away from using, trying, or pursuing other materials in the process of Moyes. Throughout the disclosure of Moyes a "resin" is referred to however, one of ordinary skill in the art would understand that to be applying the example of a composite board made with resin and would not construe the disclosure to teach away from using other materials, but rather as showing how the process is suitable for also using a composite board comprising resin. Further plywood boards as claimed by applicant typically contain a core that may be made with resin (as noted above) and therefore one of skill would understand that a plywood board having a

Art Unit: 3635

composite containing a resin or similar would have success being deformed and contoured in the molding process of Moyes.

Therefore, at the time the invention was made it would have been obvious to one of ordinary skill in the art to try the molding process of Moyes on the board of Phillips (where Phillips is relied upon for the teaching of a plywood door skin that is capable of molded and not the specific molding process) to provide an improved molded door skin, as a person with ordinary skill has good reason to pursue the known options within his or her technical grasp. In turn, because the door skin as claimed has the properties predicted by the prior art, it would have been obvious to make the door skin using the above noted method.

Regarding claim 2: The method of claim 1, further comprising closing the mold press at a predetermined closure rate (Moyes - Col. 8, lines 26-36).

Regarding claim 3: Moyes in view of Phillips discloses the method of claim 2 above but does not expressly disclose that the closure rate is between about 3 mm per minute and about 7 mm per minute. However, Moyes does disclose that various closure rates are acceptable depending the specific features of the board. Further applicant has not disclosed that such a closure provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art furthermore would have expected applicant's claimed closure rate and that as disclosed by Moyes to perform equally well considering they both close the press at a constant predetermined rate. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the closure step of Moyes to be at a

rate as claimed by applicant as such a modification appears to be a matter of mere design choice which fails patentably distinguish of the prior art of Moyes.

Regarding claims 4-5, 30, 33: The method of claim 1, wherein said conditioning of the plywood board comprises exposing the plywood board to steam in an atmospheric chamber (Moyes - Col. 6, lines 59-61; where an atmospheric chamber or a pressurized sealed cavity are common and well known methods of steaming boards).

Regarding claims 6, 29, and 32: Moyes in view of Phillips discloses the method of claim 5, but does not expressly disclose that the plywood board is exposed to steam in the pressurized, sealed cavity for at least about 30 minutes during said conditioning step.

At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to steam the board for 30 minutes because applicant has not disclosed that such a limitation provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Moyes step of steaming, and applicant's invention to perform equally well with either the step of steaming taught by Moyes or the claimed step of steaming because both steps would perform the same function of moisturizing the board to an acceptable moisture content equally well considering.

Therefore, it would have been *prima facie* obvious to modify Moyes to obtain the invention as specified in claim 6 because such a modification would have been

considered a mere design consideration which fails to patentably distinguish over the prior art of Moyes.

Regarding claim 7: The method of claim 1, wherein said conditioning of the plywood board comprises soaking the plywood board in a water bath (Moyes - Col. 6, lines 43-61).

Regarding claim 8: Moyes in view of Phillips discloses the method of claim 7, but does not expressly disclose that the plywood board is soaked in the water bath for at least about 4 hours during said conditioning step.

At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to soak the board for 4 hours because applicant has not disclosed that such a limitation provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Moyes step of soaking, and applicant's invention to perform equally well with either the step of soaking taught by Moyes or the claimed step of soaking because both steps would perform the same function of moisturizing the board to an acceptable moisture content equally well considering.

Therefore, it would have been *prima facie* obvious to modify Moyes to obtain the invention as specified in claim 8 because such a modification would have been considered a mere design consideration which fails to patentably distinguish over the prior art of Moyes.

Regarding claims 9-10: Moyes in view of Phillips discloses the method of claim 1 and further using surfactants to achieve a desired moisture pick-up (Moyes - Col. 6,

Art Unit: 3635

lines 54-56), but does not expressly disclose that the said conditioning step includes exposing the plywood board to a surface spray.

At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to condition the boards using a surface spray because applicant has not disclosed that such a limitation provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Moyes step of conditioning, and applicant's invention to perform equally well with either the step of conditioning taught by Moyes or the claimed step of conditioning because both steps would perform the same function of moisturizing the board to an acceptable moisture content equally well considering. Further applicant has disclosed in the specification and claims several different steps of conditioning to be acceptable (such as a water bath or steaming).

Therefore, it would have been *prima facie* obvious to modify Moyes to obtain the invention as specified in claims 9-10 because such a modification would have been considered a mere design consideration which fails to patentably distinguish over the prior art of Moyes.

Regarding claim 11: The method of claim 1, wherein said conditioning of the plywood board increases moisture content of the plywood board to between about 9-15% (which is between about 10-40% as applicant has claimed; (Moyes - Col. 6, line 49).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JESSICA LAUX whose telephone number is (571)272-8228. The examiner can normally be reached on Monday thru Thursday, 9:00am to 5:00pm (est).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Richard E. Chilcot, Jr./  
Supervisory Patent Examiner, Art Unit 3635

/J. L./  
Examiner, Art Unit 3635